

**TRANSMITTAL  
FORM**

**FILE**

		Application No.:	DIVISION
		10/873842	
		Filing Date:	
		First Named Inventor:	
		Confirmation No.:	2005 JUN 21 AM 9:30
		Group Art Unit	
		Examiner:	
		Customer No.	24227
Total Number of Pages in this Submission:		14	Docket No.
			EMC-SMARTS

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Authorization for the Commissioner to charge Deposit Account No. 05-0889 for fees associated with this transaction (in duplicate)	<input type="checkbox"/> Assignment <input type="checkbox"/> Recordation Cover Sheet <input type="checkbox"/> Declaration/Power of Attorney <input type="checkbox"/> Copy of Notice to File Missing Parts of Nonprovisional Application <input type="checkbox"/> Revocation of Power of Attorney <input type="checkbox"/> Formal Drawings <input type="checkbox"/> Letter to Official Draftsperson with three (3) sheets of redlined changes to drawings <input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review" <input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Application [37 CFR 1.137(b)] (in duplicate) <input type="checkbox"/> Form PTOL-85B, "Part B -Issue Fee Payment Transmittal," (in duplicate) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Certificate of First Class Mailing <input type="checkbox"/> Certificate of Express Mail Mailing <input checked="" type="checkbox"/> Postcard
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Decl.		
<input type="checkbox"/> Extension of Time Request for Months		
<input type="checkbox"/> Information Disclosure Statement		
<input type="checkbox"/> Request for Continued Examination Transmittal		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
		<input checked="" type="checkbox"/> Letter from Counsel Requesting Correction on Change to Large Entity Status <input checked="" type="checkbox"/> Copy of the March 18, 2005 Request to Change to Large Entity Status and facsimile confirmation (corrections marked up in red)

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Date	Leanne J. Fitzgerald, Esq. (Reg. No. 40,606) EMC Corporation Office of the General Counsel 176 South Street Hopkinton, MA 01748
Tel: (508) 293-7256 Fax: (508) 293-7189	

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]**

I hereby certify that this correspondence and the above-referenced enclosures are being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Status & Entity Branch, Office of Finance, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

June 16, 2005  
Date

*Mary P. McDermott*  
Signature

Mary P. McDermott

Typed or printed name of person signing certificate

June 14, 2005

2005 JUN 21 AM 9:30

Status & Entity Branch  
Office of Finance  
Director of the United States  
Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

Re: Change to Large Entity Status - Corrected Application Serial Numbers

Dear Sir or Madam:

On March 18, 2005, a request to change applications to large entity status acquired through a merger was faxed to the Status & Entity Branch at 703-308-5077 (a copy is attached).

Due to typographical error, Applicant respectfully requests the corrections as shown in red on the attached copy of the March 18, 2005 letter. Specifically:

10/962,301 should be 10/962,031  
60/544,536 should be 60/544,526  
60/603,330 should be deleted

The corrected applications are as follows:

1.	10/124,881
2.	10/400,718
3.	10/813,842
4.	10/814,964
5.	10/949,415
6.	10/950,150
7.	10/949,589
8.	10/962,031
9.	10/977,024

10.	60/604,330
11.	60/543,196
12.	60/544,526
13.	60/604,325
14.	60/552,559
15.	5,528,516
16.	5,661,668
17.	6,249,755

Once the status of each of these cases has been changed from small entity to large entity status, please send confirmation of the same to my attention at the following address:

Leanne J. Fitzgerald, Esq.  
Office of the General Counsel  
EMC Corporation  
176 South Street  
Hopkinton, MA 01748

Status & Entity Branch  
Office of Finance  
Director of the United States Patent and  
Trademark Office  
June 14, 2005  
Page 2

If you have any questions, please feel free to contact me at (508) 293-7256.

Very truly yours,



Leanne J. Fitzgerald  
Associate General Counsel

LJF/mpm

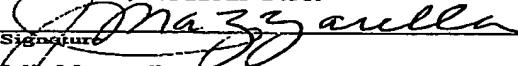
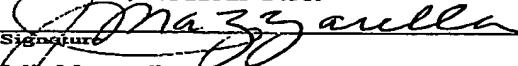
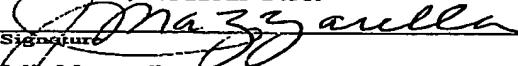
BEST AVAILABLE COPY

## Confirmation Report - Memory Send

Time : Mar-18-2005 15:35  
Tel line : 5084976915  
Name : EMC LAW DEPARTMENT

Job number	:	326
Date	:	Mar-18 15:33
To	:	917033085077
Document pages	:	010
Start time	:	Mar-18 15:33
End time	:	Mar-18 15:35
Pages sent	:	010
Status	:	OK

Job number : 326 \*\*\* SEND SUCCESSFUL \*\*\*

<b>TRANSMITTAL FORM</b>		Application No.:	
		Filing Date:	
		First Named Inventor:	
		Confirmation No.:	
		Group Art Unit	
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		Customer No.	24227
Total Number of Pages in this Submission: <b>10</b>		Docket No.	EMC-SMARTS
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<input type="checkbox"/> Extension of Time Request for Months		<input type="checkbox"/> Form PTOL-85B, Part B - Issue Fee Payment Transmittal. (in duplicate)	
<input type="checkbox"/> Information Disclosure Statement		<input type="checkbox"/> Express Abandonment Request	
<input type="checkbox"/> Request for Continued Examination Transmittal		<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		<input type="checkbox"/> Status Inquiry	
<input type="checkbox"/> Certified Copy of Priority Document(s)		<input checked="" type="checkbox"/> Certificate of Mailing via Facsimile <input type="checkbox"/> Certificate of Express Mail Mailing <input type="checkbox"/> Postcard	
<b>SIGNATURE OF APPLICANT, ATTORNEY OR AGENT</b>			
Date	 Leanne J. Fitzgerald, Esq. (Reg. No. 40,606) EMC Corporation Office of the General Counsel 176 South Street Hopkinton, MA 01748		
<b>CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8)</b>			
I hereby certify that this correspondence and the above-referenced enclosures are being:			
<input type="checkbox"/> Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop: <b>Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</b>			
<input checked="" type="checkbox"/> Transmitted by facsimile to 703-308-5077 on the date shown below to the Status & Entity Branch, Office of Finance, Director of the USPTO, Alexandria, VA 22313-1450.			
 Date <b>March 18, 2005</b> Signature  Julie Mazzarella		 Typed or printed name of person signing certificate	

**TRANSMITTAL  
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Application No.:

Filing Date:

First Named Inventor:

Confirmation No.:

Group Art Unit

Examiner:

Customer No.

**24227**

Total Number of Pages in this Submission:

**10**

Docket No.

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<input type="checkbox"/> Amendment/Response <ul style="list-style-type: none"> <li><input type="checkbox"/> After Final</li> <li><input type="checkbox"/> Affidavits/Decl.</li> </ul>	<input type="checkbox"/> Recordation Cover Sheet	<input type="checkbox"/> Form PTOL-85B, Part B -Issue Fee Payment Transmittal," (in duplicate)
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	<input checked="" type="checkbox"/> Letter from Counsel Requesting Change to Large Entity Status	

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT***63.18.05**J. Fitzgerald*

Date

Leanne J. Fitzgerald, Esq. (Reg. No. 40,606)

EMC Corporation

Office of the General Counsel

Tel: (508) 293-7256

176 South Street

Fax: (508) 293-7189

Hopkinton, MA 01748

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]**

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*March 18, 2005**Ma 33 Mazzarella*

Signature

*Julie Mazzarella*

Typed or printed name of person signing certificate

March 18, 2005

***Via Facsimile (703-308-5077)***

Status & Entity Branch  
 Office of Finance  
 Director of the United States  
 Patent and Trademark Office  
 PO Box 1450  
 Alexandria, VA 22313-1450

Re: Change to Large Entity Status

Dear Sir or Madam:

By virtue of a merger between EMC Corporation and System Management Arts Incorporated on February 1, 2005, please note that the 18 U.S. patent applications and patents listed below qualify for large entity status. For your information, I attach copies of the Articles of Merger as recorded with the Secretaries of State for the Commonwealth of Massachusetts and State of Delaware on February 1, 2005.

1.	10/124,881
2.	10/400,718
3.	10/813,842
4.	10/814,964
5.	10/949,415
6.	10/950,150
7.	10/949,589
8.	10/962,301
9.	10/977,024
10.	60/604,330

10/962,031

11.	60/543,196
12.	60/544,536
13.	60/604,325
14.	60/603,330
15.	60/552,559
16.	5,528,516
17.	5,661,668
18.	6,249,755

60/544,526

DELETE

Once the status of each of these cases has been changed from small entity to large entity status, please send confirmation of the same to my attention at the following address:

Leanne J. Fitzgerald, Esq.  
 Office of the General Counsel  
 EMC Corporation  
 176 South Street  
 Hopkinton, MA 01748

If you have any questions, please feel free to contact me at (508) 293-6654.

Very truly yours,



Leanne J. Fitzgerald  
 Associate General Counsel

LJF/jmw

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MA SOC Filing Number: 200599605460 Date: 02/01/2005 3:43 PM  
02/01/2005 16:45 8174280928 BOS FUL

PAGE 02/05

02-01-05 03:12pm From EMC LEGAL

5082837188

T-853 P.02/05 F-254

DF  
PC

The Commonwealth of Massachusetts

William Francis Galvin  
Secretary of the Commonwealth  
One Ashburton Place, Boston, Massachusetts 02108-1512

FORM MUST BE TYPED

Articles of Merger

FORM MUST BE TYPED

Domestic Corporation Involving Foreign Corporation or Foreign Other Entity  
(General Laws, Chapter 156D, Section 11.06; 950 CMR 113.57)

Exact name, jurisdiction and date of organization of each party to the merger:

(1) EXACT NAME

(2) JURISDICTION

DATE OF ORGANIZATION

EMC Corporation

Massachusetts

August 23, 1979

System Management Arts Incorporated

Delaware

January 27, 1993

(3) The foreign corporation or other entity is  / is not  = authorized to conduct business in the Commonwealth.

(4) Exact name of the surviving entity EMC Corporation

(5) The jurisdiction under the laws of which the surviving entity will be organized Massachusetts

(6) The merger shall be effective at the time and on the date approved by the Division unless a later effective date not more than 90 days from the date and time of filing is specified.

For each domestic corporation that is a party to the merger

(Please check the appropriate box)

(7)  The plan of merger was duly approved by the shareholders and, if voting by any separate voting group was required, by each separate voting group, in the manner required by G. L., Chapter 156D and the corporation's articles of organization.

OR

(8)  The plan of merger did not require the approval of the shareholders.

(9) Participation of each other domestic entity, foreign corporation, or foreign other entity was duly authorized by the law under which the other entity or foreign corporation is organized and by its organizational documents.

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02/01/2005 16:45 6174280928

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PAGE 03/05

02-01-05 09:12pm From-EMC LEGAL

5082887188

T-053 P.03/05 F-254

(10) Where applicable, attach any amendment to articles of organization of the surviving entity, where the survivor is a domestic business corporation.

(11) Where applicable, attach the articles of organization of the surviving entity, where the survivor is a NEW domestic business corporation, including all the supplemental information required by 950 CMR 113.16.

(12) Where applicable, the executive office address of a foreign other entity, if such information is not on the record of the foreign other entity and such foreign other entity is the survivor of the merger.

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02/01/2005 16:45 6174280928  
02-01-05 08:12pm From-EMC LEGAL

BOS FUL

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PAGE 04/05

T-858 P.04/05 F-254

Signed by Susan Peinut Vice President & Assistant General.  
(signature of authorized individual) For EMC Corporation Counsel

- Chairman of the Board of Directors
- President
- Other Officer
- Court-appointed fiduciary,

on this 1<sup>st</sup> day of Feb. of 2005

Signed by Susan Peinut Secretary.  
(signature of authorized individual) For System Management Arts Inc.

- Chairman of the Board of Directors
- President
- Other Officer
- Court-appointed fiduciary,

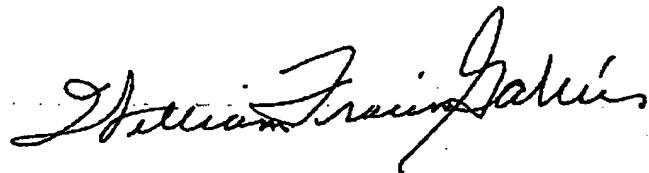
on this 18<sup>th</sup> day of Feb. of 2005

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THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:  
February 01, 2005 3:43 PM



WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*

# Delaware

PAGE 1

*The First State*

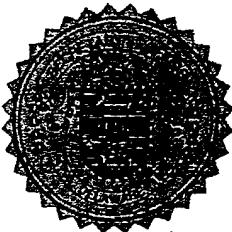
BEST AVAILABLE COPY

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"SYSTEM MANAGEMENT ARTS INCORPORATED", A DELAWARE CORPORATION,

WITH AND INTO "EMC CORPORATION" UNDER THE NAME OF "EMC CORPORATION", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF MASSACHUSETTS, AS RECEIVED AND FILED IN THIS OFFICE THE FIRST DAY OF FEBRUARY, A.D. 2005, AT 4:35 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

3920142 8100M

050080466

AUTHENTICATION: 3656027

DATE: 02-01-05

**CERTIFICATE OF OWNERSHIP AND MERGER**

**MERGING**

**System Management Arts Incorporated**

**INTO**

**EMC Corporation**

\*\*\*\*\*

**EMC Corporation, a corporation organized and existing under the laws of Massachusetts,**

**DOES HEREBY CERTIFY:**

**FIRST:** That this corporation was incorporated on the 23<sup>rd</sup> day of August, 1979, pursuant to the Business Corporation Law of the State of Massachusetts, the provisions of which permit the merger of a subsidiary corporation of another state into a parent corporation organized and existing under the laws of said state.

**SECOND:** That this corporation owns all of the outstanding shares (of each class) of the stock of System Management Arts Incorporated, a corporation incorporated on the 27<sup>th</sup> day of January, 1993, pursuant to the Delaware General Corporation Law of the State of Delaware ("SMARTS").

**THIRD:** That this corporation, by the following resolutions of its Board of Directors, duly adopted at a meeting held on the 13<sup>th</sup> day of December, 2004, determined to merge into itself said SMARTS:

**RESOLVED**, that EMC Corporation merge, and it hereby does merge into itself SMARTS and assumes all of its obligations;

and

**FURTHER RESOLVED**, that the merger shall become effective on February 1, 2005 at 5:00 p.m.;

and

**FURTHER RESOLVED**, that this corporation survives the merger and may be served with process in the State of Delaware in any proceeding for enforcement of any obligation of SMARTS as well as for enforcement of any obligation of the surviving corporation arising from the merger, including any suit

or other proceeding to enforce the right of any stockholder as determined in appraisal proceedings pursuant to the provisions of Section 262 of the General Corporation Law of the State of Delaware, and it does hereby irrevocably appoint the Secretary of State of Delaware as its agent to accept service of process in any such suit or other proceeding. The address to which a copy of such process shall be mailed by the Secretary of State of Delaware is 176 South Street, Hopkinton, Massachusetts 01748, Attn: Office of the General Counsel until the surviving corporation shall have hereafter designated in writing to the said Secretary of State a different address for such purpose. Service of such process may be made by personally delivering to and leaving with the Secretary of State of Delaware duplicate copies of such process, one of which copies the Secretary of State of Delaware shall forthwith send by registered mail to EMC Corporation at the above address.

and

FURTHER RESOLVED, anything herein or elsewhere to the contrary notwithstanding, this merger may be amended or terminated and abandoned by the Board of Directors of EMC Corporation at any time prior to the time that this merger filed with the Secretary of State becomes effective.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

IN WITNESS WHEREOF, said EMC Corporation has caused this Certificate of Ownership and Merger to be signed by Paul T. Dacier, its Senior Vice President and General Counsel, this 1<sup>st</sup> day of February, 2005.



Paul T. Dacier  
Senior Vice President and General Counsel



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/813,842	03/31/2004	Shaula Alexander Yemini	286532.130

**CONFIRMATION NO. 6059**

24227  
EMC CORPORATION  
OFFICE OF THE GENERAL COUNSEL  
176 SOUTH STREET  
HOPKINTON, MA 01748



\*OC000000018703670\*

Date Mailed: 05/08/2006

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/21/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

---

MARCIA M ROBINSON  
OIPE (703) 308-9010

OFFICE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/813,842	03/31/2004	Shaula Alexander Yemini	286532.130

23483  
WILMER CUTLER PICKERING HALE AND DORR LLP  
60 STATE STREET  
BOSTON, MA 02109

CONFIRMATION NO. 6059



\*OC000000018703644\*

Date Mailed: 05/08/2006

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/21/2005.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

---

MARIA M ROBINSON  
OIPE (703) 308-9010

OFFICE COPY